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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER LCI-101
INTERNATIONAL APPLICATION NO. PCT/US02/41525		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/501,846
INTERNATIONAL FILING DATE 23 December 2002		PRIORITY DATE CLAIMED 26 December 2001
TITLE OF INVENTION DUAL POWER BINOCULAR WITH ADJUSTABLE STOP		
APPLICANT(S) FOR DO/EO/US Ellis I. Betensky, James Brian Caldwell, and Klaus G. Raschke		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.		
2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.		
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.		
4. <input type="checkbox"/> The US has been elected (Article 31).		
5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 		
6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 		
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 		
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).		
9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).		
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.		
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input type="checkbox"/> A preliminary amendment.		
14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.		
15. <input type="checkbox"/> A substitute specification.		
16. <input type="checkbox"/> A power of attorney and/or change of address letter.		
17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.		
18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).		
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		
20. <input checked="" type="checkbox"/> Other items or information: Modified 1449 Form; Cited Reference; Express Mail Information; Return Receipt Postcard		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/501,846		INTERNATIONAL APPLICATION NO. PCT/US02/41525		ATTORNEY'S DOCKET NUMBER LCI-101US	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee.....				\$	
22. <input type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claim's satisfy provisions of PCT Article 33(1)-(4).....				\$	
All other situations.....				\$	
23. <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....				\$	
International Search Report prepared and provided to the Office.....				\$	
All other situations.....				\$	
TOTAL OF 21, 22 and 23 =				\$	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	- 20 =		x \$50	\$	
Independent claims	- 3 =		x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				\$	
TOTAL FEES ENCLOSED =				\$	
				Amount to be refunded:	\$
				Amount to be charged:	\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>11-1158</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Customer Number: 23,520					
 SIGNATURE Maurice M. Klee, Ph.D.					
NAME 30,399					
REGISTRATION NUMBER					

[266] Attorney Docket No. : LCI-101US

PATENT

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Int. Appl. No.: PCT/US02/41525
Int. Filing Date: 23 December 2002
Priority Date Claimed: 26 December 2001
Title of Invention: DUAL POWER BINOCULAR WITH ADJUSTABLE STOP
U.S. Serial No.: 10/501,846
Applicant (U.S.): Ellis I. Betensky, James Brian Caldwell,
and Klaus G. Raschke

INFORMATION DISCLOSURE STATEMENT

In accordance with 37 CFR §1.56 and 37 CFR §1.97(b)(3), applicants wish to call the Examiner's attention to the references listed on the Modified 1449 Form submitted herewith.

Copies of the listed references are submitted herewith, with the exception of the references which are U.S. patents (37 CFR §1.98(a)(2)(ii)). However, if for any reason, the Examiner believes it is necessary or desirable for applicants to provide copies of all or some of the US patent references, the Examiner is requested to advise the undersigned attorney and any copies required will be provided.

References 4, 5, 14, and 15 were cited in the May 14, 2003 International Search Report for Application No. PCT/US02/41525 of which this is the U.S. national phase.

The foregoing references are being submitted prior to the mailing date of a first substantive Office Action for this application and thus no fee under 37 CFR §1.17(p) is believed to be due for this submission. However, if a fee is required, applicants request that the fee be charged to Deposit Account No. 11-1158.

The Examiner is respectfully requested to initial a copy of the Modified 1449 Form and return it to applicants to indicate consideration of the references listed thereon in connection with the prosecution of this application.

Respectfully submitted,

Date: 11/29/05

Maurice M. Klee
Maurice M. Klee, Ph.D.
Reg. No. 30,399
Attorney for Applicant
1951 Burr Street
Fairfield, CT 06824
(203) 255-1400

[266] Attorney Docket No. : LCI-101US

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MODIFIED 1449 FORM

U.S. PATENT DOCUMENTS

<u>Examiner Initial</u>		<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>
_____	1.	3,312,518	4/1967	Bushnell
_____	2.	3,418,032	12/1968	Kajiro
_____	3.	4,548,481	10/1985	Yamada
_____	4.	4,469,415	9/1984	Radl
_____	5.	4,705,950	11/1987	Ohtaka
_____	6.	5,140,467	8/1992	Hotta et al.
_____	7.	5,371,626	12/1994	Betensky
_____	8.	5,499,140	3/1996	Betensky
_____	9.	5,500,769	3/1996	Betensky
_____	10.	5,532,875	7/1996	Betensky
_____	11.	5,576,888	11/1996	Betensky
_____	12.	5,583,692	12/1996	Funatsu
_____	13.	5,999,312	12/1999	Funatsu
_____	14.	6,226,119	5/2001	Kurata

_____	15.	6,322,554	11/2001	Tomita
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FOREIGN PATENT DOCUMENTS

<u>Examiner Initial</u>		<u>Document Number</u>	<u>Date</u>	<u>Country</u>
_____	16.	690,278	4/1953	GB

[266] Attorney Docket No. : LCI-101US

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Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
ATTENTION: DO/EO/US

EXPRESS MAIL INFORMATION

Attached hereto are the following papers which are being mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service on the date indicated below:

1. Transmittal Form (PTO-1390; 2 pages; 2 copies)
2. Information Disclosure Statement (1 page)
3. Modified 1449 Form (2 pages)
4. Cited Reference (1 reference)
5. Express Mail Information (1 page; this page)
6. Return Receipt Postcard (1 card)

Date of mailing: November 29, 2005
Express Mail mailing label number: ED 308754380
Person depositing papers with
the U.S. Postal Service: Anya Klee

November 29, 2005
Date Signed

Anya Klee
Anya Klee